



Attorney Docket No. LEAP:126US
U.S. Patent Application No. 10/721,695
Reply to Office Action of May 18, 2005
Date: August 4, 2005

Remarks/Arguments

New Claims

New claim 18 has been included to recite a slide mount guide. The guide is described in paragraphs [0036] - [0039], pages 8 and 9 of the specification. No new matter has been added.

Specification

The Examiner objected to the Abstract due to the presence of legal language. Applicants have provided a replacement Abstract free of legal language. The objection should be removed.

Claim Objections

The Examiner objected to Claims 6, 12, and 13 due to informalities. Claim 6 has been amended, as suggested by the Examiner, to overcome the objections. The objection should be removed.

The Rejection of Claims 1, 5-7, 9, 11, and 14 Under 35 U.S.C. §102(b)

The Examiner rejected Claims 1, 5-7, 9, 11, and 14 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,118,581 (Domanik). Applicants respectfully traverse the rejection. Applicants have cancelled Claim 1 and amended Claim 2 to recite at least a portion of the limitations from Claim 1.

Anticipation requires that all of the elements of the claim be taught within the four corners of a single reference.

Domanik does not teach a rod

Claim 2 recites a rod. Domanik teaches an input device such as a mouse (see Abstract and Figures 3 and 4).

Domanik does not teach a rod controlling motion of a stage assembly

Amended Claim 2 recites: "said upper stage is arranged to move in a first direction in response to a movement of said rod in said first direction, and said slide mount is arranged to

move in a second direction, orthogonal to said first direction, in response to a movement of said rod in said second direction.” Assuming *arguendo* that Domanik teaches the upper stage and slide mount recited in Claim 2, Domanik does not teach a rod to move the stage and slide mount. Instead, Domanik teaches a mouse with actuators, such as a thumbwheel. The user manipulates the actuators (e.g., pushes a button or spins a thumbwheel) to generate electronic signals that are fed to a control board, which then controls motors to move a stage.

Domanik does not teach all the elements of Claim 2, therefore, Domanik does not anticipate Claim 2. Claims 5-7, 9, 11, and 14, dependent from Claim 2, enjoy the same distinction from the cited prior art. The rejection should be removed.

The Rejection of Claims 1, 2, 5-9, 12, 14, 16, and 17 Under 35 U.S.C. §102(b)

The Examiner rejected Claims 1, 2, 5-9, 12, 14, 16, and 17 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,749,270 (Endo). Applicants respectfully traverse the rejection.

Claim 2

Applicants have cancelled Claim 1 and amended Claim 2 to recite at least a portion of the limitations from Claim 1.

Endo does not teach a rod attached to a slide mount

Claim 2 recites a rod attached to a slide mount. Endo does not teach a rod. Endo mentions a slide 12, but does not teach controlling the movement of the slide.

Endo does not teach a an upper stage or a slide mount moveable in response to the rod

Claim 2 recites an upper stage and a slide mount that are moveable in response to the movement of a rod. Endo does not teach moving a stage or slide mount. Instead, Endo teaches a micromanipulator with needle carrier 15, hydraulic drive mechanism 17 for the carrier, and hydraulic operator 26. The drive unit moves the carrier in response to input from the operator through hydraulic operator 23.

Claim 16

Endo does not teach a shaft attached to a slide mount

Claim 16 recites a shaft attached to a slide mount. Endo does not teach a shaft. Endo mentions a slide 12, but does not teach controlling the movement of the slide.

Endo does not teach an upper stage or a slide mount moveable in response to the shaft

Claim 16 recites an upper stage and a slide mount that are moveable in response to the movement of a shaft. As noted above, Endo does not teach these limitations with respect to a rod. In like manner, Endo does not teach these limitations with respect to a shaft.

Claim 17

Endo does not teach a joystick secured to a slide mount

Claim 17 recites a joystick secured to a slide mount. Endo does not teach attaching a joystick to a slide mount.

Domanik does not teach all the elements of Claim 2, 16, or 17. Therefore, Endo does not anticipate Claims 2, 16, or 17. Claims 5-9, 12, and 14, dependent from Claim 2, enjoy the same distinction from the cited prior art. The rejection should be removed.

Rejection of Claims 4 and 15 under 35 U.S.C. §103(a)

The Examiner rejected Claims 4 and 15 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,749,270 (Endo). Endo does not teach all the elements of Claim 2. Endo does not suggest or motivate at least the following elements of Claim 2: a rod, attaching a rod to a slide mount, an upper stage or slide mount moving in response to a movement of a rod. This is apparent, given Endo's teaching of a micromanipulator, needle carrier, hydraulic drive mechanisms, and hydraulic operator. Endo teaches the needle carrier being moved in response to the hydraulic operator.

Claim 2 is patentable over Endo. Claims 4 and 15, dependent from Claim 2, enjoy the same distinction from the cited prior art. The rejection should be removed.

Rejection of Claims 3, 10, and 13 under 35 U.S.C. §103(a)

The Examiner rejected Claims 3, 10, and 13 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,749,270 (Endo) in view of U.S. Published Patent Application No. 2005/0066751 (Harris). Claim 2 is patentable over Endo as shown above. Harris does not cure the defects of Endo. Harris teaches a motorized device for excising and storing a sample and does not teach, suggest, or motivate at least the following elements of Claim 2: a rod, attaching a rod to a slide mount, or an upper stage or slide mount moving in response to a movement of a rod.

Claim 2 is patentable over Endo in view of Harris. Claims 3, 10, and 15, dependent from Claim 2, enjoy the same distinction from the cited prior art. The rejection should be removed.

Conclusion

Applicant respectfully submits that all pending claims are now in condition for allowance, which action is courteously requested.

Respectfully submitted,



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Dated: August 4, 2005
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